

8/13/04
DPO

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
) CRIM. NO. 04-10214-GAO
)
)
MOHAMAD HAMADE)

GOVERNMENT'S MOTION TO REPORT CASE TO THE DISTRICT COURT FOR THE PURPOSE OF SETTING AN IMMEDIATE TRIAL DATE

The United States of America, by its undersigned counsel, hereby moves that the Court send this matter to the district court for the purpose of setting an immediate trial date. As grounds therefore, the government states that the defendant has been charged with various offenses resulting from misrepresentations the government alleges he made to immigration authorities over the past three years in order to remain in the United States. In fact, the lies enabled the defendant to obtain permanent resident status and were repeated in a Naturalization Application that remains pending as of this date.

If the defendant is convicted of any of the crimes with which he is charged in this case, he will be subject to deportation proceedings. If the defendant is convicted of any two of those crimes, he will also be subject to mandatory detention pending the completion of those deportation proceedings. Because of that, and because of (among other things) what the government believes are additional lies the defendant told since his arrest here, the government is seeking

the defendant's detention pending trial pursuant to 18 U.S.C. 3142(f) (2) (A) (risk of flight).

In the detention hearing in this matter, defense counsel has raised the relatively small periods of incarceration that the defendant will face if convicted as a reason for releasing him notwithstanding his ongoing inability to provide immigration and court personnel with accurate information. Although, as set forth above, that argument misses the point of this case (in that it ignores that the defendant will also face mandatory detention and deportation upon conviction), the government is prepared to try this case at once to ensure that the defendant's rights are protected. Therefore, subject only to the defendant's stipulation to the authenticity of the Marriage certificate introduced at the detention hearing as Exhibit 1, the government is prepared to try the case at once and to provide all required pretrial discovery on an expedited basis. The government therefore requests that the Court immediately report the case to the district court for the purpose of setting the earliest possible trial date.

Respectfully submitted,

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By:

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Dated: August 3, 2004

CERT OF SERVICE

I certify this motion was hand delivered to counsel for defendant, MIRIAM CONRAD, on 8/3/04.

Kim West